

104TH CONGRESS  
1ST SESSION

# S. 1192

To promote marine aquaculture research and development and the development of an environmentally sound marine aquaculture industry.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 11 (legislative day, JULY 10), 1995

Mr. KERRY (for himself, Mr. PELL, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To promote marine aquaculture research and development and the development of an environmentally sound marine aquaculture industry.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Marine Aquaculture  
5       Act of 1995”.

6       **SEC. 2. FINDINGS AND POLICY.**

7       (a) FINDINGS.—The Congress finds the following:

8               (1) The annual demand for seafood products is  
9       expected to increase by 350 million pounds by the

1 year 2000 as a result of population growth alone.  
2 This demand will be satisfied by a combination of  
3 United States harvests, fresh water and marine  
4 aquaculture, and imports.

5 (2) The marine fishery resources of the United  
6 States coastal zone, territorial sea, and exclusive  
7 economic zone are renewable, but finite. Sound fish-  
8 ery management programs cannot guarantee that  
9 the amount of marine fishery products available to  
10 the Nation from United States waters will meet  
11 consumer demand without supplementation from  
12 marine aquaculture.

13 (3) Worldwide there has been a major increase  
14 in marine aquaculture and many of these products  
15 have been aggressively marketed in the United  
16 States. Many of these programs are also heavily sub-  
17 sidized by foreign governments.

18 (4) In some foreign nations marine aquaculture  
19 has not been adequately controlled and, as a result,  
20 there have been undesirable changes to the marine  
21 ecosystem which have contributed to production fail-  
22 ures from both artificial and natural stocks of fish.

23 (5) Within the United States private industry  
24 has primarily invested in and developed land-based  
25 aquaculture facilities, in part because these facilities

1 are located on privately owned land, and in part be-  
2 cause the potential environmental problems associ-  
3 ated within these facilities are generally easier to  
4 control than those associated with marine facilities.  
5 Land-based facilities have also benefited from some  
6 of the traditional forms of economic assistance pro-  
7 vided to farmers under programs administered by  
8 the Department of Agriculture.

9 (6) Private industry has not taken an equiva-  
10 lent initiative to invest in and develop marine aqua-  
11 culture facilities within the United States, in part,  
12 because our marine waters are not susceptible to pri-  
13 vate ownership and because our marine waters also  
14 support other public trust uses, including navigation,  
15 fishing, recreation, and national defense. Addition-  
16 ally, marine aquaculture facilities present several en-  
17 vironmental challenges requiring specialized sci-  
18 entific research and regulatory programs. Moreover,  
19 the traditional forms of economic assistance provided  
20 to fishermen under programs administered by the  
21 Department of Commerce have not been as widely  
22 available to marine aquaculture facilities because of  
23 restrictions in authorizing legislation and funding  
24 limitations.

1           (7) Further, incorporating environmental con-  
2       cerns in the development of marine aquaculture will  
3       enhance the prospects of an economically and envi-  
4       ronmentally sustainable industry.

5           (8) There exist within the Department of Com-  
6       merce a number of agencies and programs essential  
7       to stimulate the private development of marine aqua-  
8       culture facilities, rebuild depleted fishery resources  
9       and protect the marine ecosystem. Among these are  
10      programs of the National Marine Fisheries Service,  
11      the National Sea Grant College Program, the Na-  
12      tional Ocean Service, the National Institute of  
13      Standards and Technology, the Economic Develop-  
14      ment Administration, the Minority Business Devel-  
15      opment Administration, and the International Trade  
16      Administration.

17      (b) POLICY.—It is the policy of the United States—

18           (1) to encourage private enterprise to invest in  
19       and to develop new employment opportunities in ma-  
20       rine aquaculture facilities by restructuring existing  
21       financial assistance programs and by safeguarding  
22       investments in marine aquaculture facilities;

23           (2) to promote research and development in  
24       marine aquaculture technology, marine biology, ma-  
25       rine ecology, ocean engineering, economics, law, pub-

1       lic policy and other disciplines that will contribute to  
2       the commercial success of new marine aquaculture  
3       facilities while safeguarding the marine ecosystem;  
4       and

5               (3) to ensure that the placement and operation  
6       of any new marine aquaculture facility within a  
7       State coastal zone, the territorial sea, or the United  
8       States exclusive economic zone, is economically and  
9       environmentally sound and does not pose unreason-  
10      able constraints on other public trust uses of marine  
11      waters, such as navigation, fishing, recreation, and  
12      national defense.

13   **SEC. 3. DEFINITIONS.**

14       For the purposes of this Act:

15               (1) DIRECTOR.—The term “Director” means  
16       the Director of the National Sea Grant College Pro-  
17       gram.

18               (2) OFFSHORE MARINE AQUACULTURE FACIL-  
19       ITY.—

20                       (A) The term “offshore marine aqua-  
21               culture facility” means any facility which is lo-  
22               cated in whole or in part in the United States  
23               exclusive economic zone, the purpose of which is  
24               to raise, breed, grow, or hold in a living state  
25               any marine or estuarine organism.

1 (B) Any vessel or other floating craft that  
 2 forms all or part of an offshore marine aqua-  
 3 culture facility, or any vessel or other floating  
 4 craft that discharges any material into an off-  
 5 shore marine aquaculture facility, shall not be  
 6 deemed to be a “vessel or other floating craft”  
 7 under section 502(12)(B) of the Clean Water  
 8 Act (33 U.S.C. 1362 et al.). Any discharge of  
 9 material directly into the waters of the facility  
 10 or from the facility into the surrounding waters  
 11 shall be considered a point source subject to  
 12 that Act.

13 (3) SECRETARY.—The term “Secretary” means  
 14 the Secretary of Commerce, acting through the  
 15 Under Secretary of Commerce for Oceans and At-  
 16 mosphere.

17 **SEC. 4. MARINE AQUACULTURE RESEARCH AND DEVELOP-**  
 18 **MENT PROGRAM.**

19 The National Sea Grant College Program Act (33  
 20 U.S.C. 1121 et seq.) is amended by inserting after section  
 21 206 the following:

22 “MARINE AQUACULTURE RESEARCH AND DEVELOPMENT  
 23 PROGRAM

24 “SEC. 206A. (a) COASTAL AND MARINE AQUA-  
 25 CULTURE RESEARCH AND DEVELOPMENT PROGRAM.—  
 26 The National Sea Grant College Program provided for

1 under section 204 shall include a national marine aqua-  
2 culture research and development program under which  
3 the Secretary, acting through the Director, shall make  
4 grants and enter into contracts in accordance with this  
5 section, and engage in other activities authorized under  
6 this Act, to further research, development, education and  
7 technology transfer in coastal and marine aquaculture and  
8 accelerate the development and growth of a sustainable  
9 marine aquaculture industry.

10 “(b) PROGRAM SCOPE.—The marine aquaculture re-  
11 search and development program shall include research,  
12 development, education and technology transfer programs  
13 that address, but are not limited to, the following:

14 “(1) Fundamental biological knowledge needed  
15 for domesticating candidate species;

16 “(2) Environmentally safe technologies, meth-  
17 ods and systems for culturing marine species in the  
18 coastal environment, encouraging sustainable aqua-  
19 culture practices, and remediating environmental  
20 problems;

21 “(3) Aquaculture technologies that are compat-  
22 ible with other uses of the sea;

23 “(4) Application of marine biotechnology to ma-  
24 rine aquaculture;

1           “(5) Methods for addressing and resolving con-  
2       flicts between marine aquaculture and other compet-  
3       ing users of the marine environment;

4           “(6) Comparative studies of State practices re-  
5       garding the regulation and promotion of marine  
6       aquaculture so as to identify and resolve interstate  
7       conflicts and issues;

8           “(7) Education programs to foster understand-  
9       ing and awareness of the environmental and policy  
10      implications of aquaculture and marine aquaculture  
11      development, including the role of aquaculture in  
12      meeting consumer demand for seafood, and the role  
13      of aquaculture in rebuilding depleted fish stocks; and

14          “(8) Development of pilot projects for offshore  
15      aquaculture facilities.

16      “(c) SEA GRANT MARINE ADVISORY SERVICES.—  
17      The National Sea Grant College Program shall maintain,  
18      within the Marine Advisory Service, the capability to  
19      transfer relevant technologies and information to the ma-  
20      rine aquaculture industry. Particular emphasis shall be  
21      given to the matters referred to in subsection (b) (1)  
22      through (8).

23      “(d) ADMINISTRATION.—In carrying out the marine  
24      aquaculture research and development program, the Di-  
25      rector shall—

1           “(1) coordinate and administer the relevant ac-  
2           tivities of the Sea Grant College and any advisory  
3           committee and review panel established under sub-  
4           section (f);

5           “(2) consult with the directors of State Sea  
6           Grant programs and other organizations with inter-  
7           ests in aquaculture to identify program priorities  
8           and needs and, to the extent possible, undertake col-  
9           laborative efforts, and use this information to iden-  
10          tify priorities for marine aquaculture research and  
11          planning;

12          “(3) provide general oversight to ensure that  
13          the marine aquaculture research and development  
14          program produces the highest quality research, edu-  
15          cation and technology transfer and leads to opportu-  
16          nities for business development and jobs creation.

17          “(e) GRANTS AND CONTRACTS.—

18          “(1) IN GENERAL.—The Director, subject to  
19          the availability of appropriations, shall award grants  
20          and contracts in accordance with procedures, re-  
21          quirements, and restrictions under section 205 (c)  
22          and (d) for aquaculture research, education, tech-  
23          nology transfer, and advisory proposals based on a  
24          competitive review of—

1           “(A) their respective scientific, technical,  
2           and educational merits; and

3           “(B) their likelihood of producing informa-  
4           tion and technology which lead to the growth  
5           and development of a sustainable marine aqua-  
6           culture industry.

7           “(2) FUNDING.—Grants made and contracts  
8           entered into under this section shall be funded with  
9           amounts available from appropriations made pursu-  
10          ant to the authorization provided for under section  
11          212(c), except that if the project under a grant or  
12          contract was considered and approved, in whole or  
13          in part, under grant or contract authority provided  
14          for under section 205 (a) or (b) or section 3 of the  
15          Sea Grant Program Improvement Act of 1976, the  
16          grant or contract shall be funded from amounts  
17          available to carry out that section.

18          “(f) MARINE AQUACULTURE ADVISORY AND REVIEW  
19          PANELS.—

20               “(1) ESTABLISHMENT.—The Director may es-  
21               tablish such advisory committees and review panels  
22               as necessary to carry out this section, (or utilize any  
23               such existing committee that satisfies the require-  
24               ments of this subsection).

1           “(2) MEMBERSHIP.—Members of advisory com-  
2       mittees and review panels should be selected to have  
3       the professional expertise necessary to review grants  
4       received, and in general, should include representa-  
5       tives of relevant disciplines and professions such as  
6       fisheries scientists, environmental scientists, and  
7       representatives of the marine aquaculture and cap-  
8       ture fishing industries.

9           “(3) ACCESS TO EVALUATIONS OF GRANTS AND  
10       CONTRACTS.—The Director shall provide to each ad-  
11       visory committee and review panel established under  
12       this subsection copies of appropriate grant and con-  
13       tract application evaluations prepared by directors of  
14       Sea Grant Colleges under section (e)(2)(A).

15       “(g) AUTHORIZATION OF APPROPRIATIONS.—

16           “(1) GRANTS AND CONTRACTS.—There is au-  
17       thorized to be appropriated to carry out this section  
18       (other than for administration)—

19               “(A) \$5,000,000 for each of fiscal years  
20               1995 and 1996; and

21               “(B) \$7,000,000 for each of fiscal years  
22               1997 and 1998.

23           “(2) ADMINISTRATION.—There is authorized to  
24       be appropriated for the administration of this sec-  
25       tion—

1           “(A) \$100,000 for each of fiscal years  
2           1995 and 1996; and

3           “(B) \$120,000 for each of fiscal years  
4           1997 and 1998.”.

5 **SEC. 5. AQUACULTURE IN THE COASTAL ZONE.**

6       The Coastal Zone Management Act of 1972 is  
7 amended—

8           (1) by adding at the end of section 306A(b) (16  
9       U.S.C. 1455a(b)) the following:

10          “(4) The development of a coordinated process  
11       among State agencies and between the State and  
12       Federal Government, to regulate and issue permits  
13       for aquaculture and marine aquaculture facilities in  
14       the coastal zone.”; and

15          (2) by adding at the end of section 309(a) (16  
16       U.S.C. 1456b(a)) the following:

17          “(9) Adoption of procedures and policies to fa-  
18       cilitate and evaluate the siting of public and private  
19       marine aquaculture facilities in the coastal zone  
20       which will assist States in formulating, administer-  
21       ing, and implementing strategic plans for marine  
22       aquaculture.”.

23 **SEC. 6. OFFSHORE MARINE AQUACULTURE PERMITTING.**

24       (a) OWNERSHIP, CONSTRUCTION, AND OPERATION  
25 OF OFFSHORE MARINE AQUACULTURE FACILITIES.—

1 Notwithstanding subsection (n) of this section, no person  
2 may own, construct, or operate an offshore marine aqua-  
3 culture facility except as authorized by a permit issued  
4 under this section.

5 (b) PERMIT ISSUANCE AND TERM.—

6 (1) IN GENERAL.—The Secretary may issue,  
7 amend, renew, or transfer in accordance with this  
8 section permits which authorize the ownership, con-  
9 struction, or operation of an offshore marine aqua-  
10 culture facility.

11 (2) TERM.—The term for a permit under this  
12 section shall not exceed 10 years and may be re-  
13 newed after such time.

14 (3) OWNERSHIP.—Whereas a facility's physical  
15 structure, the organisms stocked therein, and any  
16 business interests in an offshore marine aquaculture  
17 facility can be privately owned by the permittee, the  
18 area of ocean used by a marine aquaculture facility  
19 remains in public ownership, with only a revocable  
20 use permit being granted to the permittee.

21 (c) PERMIT PREREQUISITES.—The Secretary may  
22 not issue, amend, renew, or transfer a permit to a person  
23 under this section unless—

24 (1)(A) each of the officials referred to in sub-  
25 section (e)(1) has certified to the Secretary that the

1 activities to be conducted under the permit would  
2 comply with laws administered by the official; or

3 (B) the permit establishes the conditions trans-  
4 mitted under subsection (e)(3)(A) by each of those  
5 officials that does not make that certification and  
6 each of the remainder of those officials makes that  
7 certification;

8 (2) the Secretary determines that—

9 (A) construction and operation of a facility  
10 under the permit will comply with the environ-  
11 mental standards established by the Secretary  
12 under subsection (k) and will not significantly  
13 interfere with other public trust uses of the  
14 ocean, including recreational and commercial  
15 fishing, navigation, conservation, and aesthetic  
16 enjoyment;

17 (B) the site for the facility will not inter-  
18 fere with facilities previously permitted under  
19 this section or any other Federal law; and

20 (C) the person, upon revocation or surren-  
21 der of the permit, will properly dispose of or re-  
22 move the facility as directed by the Secretary;  
23 and

1           (3) the person provides the Secretary with a  
2       bond or other assurances to pay for all costs associ-  
3       ated with removal of the facility.

4       (d) PUBLIC NOTICE AND COMMENT PERIOD.—

5           (1) NOTICE.—The Secretary shall publish in  
6       the Federal Register—

7           (A) notice of receipt of each application for  
8       a permit under this section; and

9           (B) notice of issuance of each permit is-  
10      sued, amended, renewed, or transferred under  
11      this section.

12          (2) PUBLIC COMMENT.—The Secretary shall  
13      provide a 60 day comment period regarding each ap-  
14      plication received by the Secretary for the issuance,  
15      amendment, renewal, or transfer of a permit under  
16      this section.

17      (e) AGENCY NOTICE AND COMMENT.—

18          (1) TRANSMISSION OF COPIES OF APPLICA-  
19      TIONS.—Not later than 30 days after receiving an  
20      application for a permit under this section, the Sec-  
21      retary shall forward a copy of this application to—

22          (A) the Secretary of the agency in which  
23      the Coast Guard is located;

24          (B) the Administrator of the Environ-  
25      mental Protection Agency;

1 (C) the Secretary of the Interior;

2 (D) the Chairman of the Regional Fishery  
3 Management Council under the Magnuson  
4 Fishery Conservation and Management Act (16  
5 U.S.C. 1801 et seq.) having authority over wa-  
6 ters in which would occur the activities for  
7 which the permit is sought, or having authority  
8 over fish stocks which could be ecologically ef-  
9 fected by construction or operation of such fa-  
10 cility;

11 (E) the Secretary of Defense; and

12 (F) the Governor of each State—

13 (i) adjacent to the location specified  
14 by the permit or which would be eco-  
15 logically affected by permit activities; and

16 (ii) which has an approved coastal  
17 zone management program under the  
18 Coastal Zone Management Act of 1972 (16  
19 U.S.C. 1451 et seq.).

20 (2) CERTIFICATION OF COMPLIANCE.—Subject  
21 to paragraph (4), not later than 90 days after re-  
22 ceiving a copy of a permit application transmitted  
23 under paragraph (1), the official shall certify to the  
24 Secretary whether or not the activities to be con-

1       ducted under the permit would comply with the laws  
2       administered by the official.

3           (3) TRANSMITTAL OF REASONS FOR NON-  
4       COMPLIANCE AND PERMIT CONDITIONS.—If an offi-  
5       cial certifies under paragraph (1) that activities to  
6       be conducted under a permit is sought would not  
7       comply with a law—

8           (A) the official shall transmit to the Sec-  
9       retary the reasons for that noncompliance and  
10      any permit conditions that would ensure compli-  
11      ance; and

12          (B) the Secretary shall establish those con-  
13      ditions in any permit for the activity issued  
14      under this subsection.

15          (4) EXTENSION OF TIME FOR CERTIFI-  
16      CATION.—An official may request, in writing, that  
17      the Secretary extend by not more than 30 days the  
18      period for making certifications under paragraph  
19      (2). The Secretary may grant the extension for good  
20      cause shown.

21          (f) PERMIT REVOCATION OR SURRENDER.—

22           (1) REVOCATION.—The Secretary may revoke  
23      any permit issued under this section if the permittee  
24      is found to be in substantial violation of any term

1 of the permit, this section, or any regulation promul-  
2 gated pursuant to this section.

3 (2) SURRENDER.—A permittee may surrender a  
4 permit under this section to the Secretary at any  
5 time, subject to any safeguards or conditions estab-  
6 lished by the Secretary.

7 (g) PERMIT RENEWAL AND TRANSFER.—A permit  
8 under this section may be renewed or transferred in ac-  
9 cordance with the procedures and requirements applicable  
10 to the issuance of a new permit. The term of a permit,  
11 upon renewal, shall not exceed 10 years.

12 (h) FEES.—The Secretary may assess permit fees not  
13 to exceed the cost of administering the program author-  
14 ized by this section.

15 (i) CIVIL PENALTY.—The Secretary may assess a  
16 civil penalty of not more than \$100,000 for each violation  
17 of a permit under this section.

18 (j) PROMULGATION OF REGULATIONS.—The Sec-  
19 retary shall promulgate regulations as necessary to carry  
20 out this section.

21 (k) ENVIRONMENTAL STANDARDS.—

22 (1) ESTABLISHMENT.—Within 2 years after the  
23 date of enactment of this Act, the Secretary shall  
24 issue regulations which establish minimum environ-  
25 mental standards with respect to offshore marine

1       aquaculture facilities. Such standards shall be de-  
2       signed to minimize the potential for adverse impacts  
3       on the marine environment from such facilities and  
4       shall include—

5               (A) safeguards to conserve genetic re-  
6               sources, including methods to minimize genetic  
7               mixing of cultured stocks and natural marine  
8               stocks;

9               (B) safeguards to prevent or minimize eco-  
10              logical or economic harm to marine ecosystems  
11              by intentional or unintentional introductions of  
12              nonindigenous marine aquaculture species;

13              (C) safeguards to prevent or minimize  
14              transmission of disease to wild stocks;

15              (D) safeguards to maintain applicable Fed-  
16              eral water quality standards;

17              (E) safeguards to ensure that any efforts  
18              to control predation on cultivated stocks are en-  
19              vironmentally and ecologically sound; and

20              (F) other applicable measures to protect  
21              the marine environment.

22       (2) INCLUSION OF PERMIT TERMS.—The stand-  
23       ards established under paragraph (1) shall be treat-  
24       ed as part of the terms of each permit issued under  
25       this section.

1           (3) REVIEW.—The Secretary shall periodically  
2       review the standards established under paragraph  
3       (1) and revise the standards based on significant  
4       new information including results of the pilot  
5       project.

6           (l) CUMULATIVE EFFECTS.—The Secretary shall re-  
7       port to Congress 5 years after the enactment of this Act  
8       on all permits issued under this Act, including the cumu-  
9       lative effects of all permitted facilities on public trust uses  
10      of the ocean.

11          (m) OFFSHORE MARINE AQUACULTURE PILOT PRO-  
12      GRAMS.—

13           (1) IN GENERAL.—The Secretary in cooperation  
14      with other Federal and State agencies, acting  
15      through the National Sea Grant College Program, is  
16      authorized to conduct, to make grants for, or to con-  
17      tract for, projects to demonstrate sustainable ap-  
18      proaches to development, installation, or operation of  
19      offshore marine aquaculture facilities. Such projects  
20      shall take into consideration any environmental  
21      guidelines developed by the Secretary, and shall, to  
22      the maximum extent practicable, meet the require-  
23      ments of permits issued under this section.

1           (2) TERM.—Any pilot project authorized pursu-  
2           ant to this subsection shall be for a term not to ex-  
3           ceed two years, and may be renewed after such time.

4           (3) PURPOSE.—Such projects shall demonstrate  
5           the technological and economic feasibility of various  
6           marine aquaculture technologies which will contrib-  
7           ute substantially to the development of a sustainable  
8           marine aquaculture industry.

9           (4) ECOSYSTEM SAFEGUARDS.—The Secretary,  
10          in selecting projects under this subsection, shall be  
11          satisfied that any project authorized will not ad-  
12          versely affect the marine environment, and shall be  
13          designed to prevent or minimize ecological or eco-  
14          nomic harm to marine ecosystems by intentional or  
15          unintentional introductions of nonindigenous marine  
16          aquaculture species.

17          (5) CONTENTS OF PUBLIC ANNOUNCEMENTS.—  
18          The Secretary shall make a public announcement  
19          concerning—

20                (A) the title, purpose, intended completion  
21                date, identity of the grantee or contractor, and  
22                proposed cost of any grant or contract with a  
23                private or non-Federal agency for any research,  
24                demonstration, pilot project, study, or report  
25                under this subsection; and

1 (B) the results, findings, data, or rec-  
2 ommendations made or reported as a result of  
3 such activities.

4 (6) TIME.—A public announcement required by  
5 paragraph (5)(A) shall be made within 30 days after  
6 making a grant or contract, and a public announce-  
7 ment required by paragraph (5)(B) shall be made  
8 within 90 days after the receipt of such results.

9 (7) PUBLICATION OF SUMMARIES OF RESULTS;  
10 SUBMISSION TO APPROPRIATE CONGRESSIONAL COM-  
11 MITTEES.—The Secretary shall publish summaries  
12 of the results of activities carried out pursuant to  
13 this subsection not later than 90 days after the com-  
14 pletion thereof. The Secretary shall submit to the  
15 Senate Committee on Commerce, Science, and  
16 Transportation copies of all such summaries.

17 **SEC. 7. MODEL ENVIRONMENTAL GUIDELINES.**

18 (a) MODEL ENVIRONMENTAL GUIDELINES.—

19 (1) Within two years after the date of enact-  
20 ment of this Act, the Secretary in consultation with  
21 other appropriate Federal and State agencies, shall  
22 develop and establish model environmental guidelines  
23 with respect to marine aquaculture facilities located  
24 within State waters.

1           (2) In order to carry out this section, the Sec-  
2       retary shall seek advice from representatives of rel-  
3       evant disciplines and professions such as fisheries  
4       scientists, environmental scientists, and representa-  
5       tives of the marine aquaculture and capture fishing  
6       industries, and may utilize any Marine Aquaculture  
7       Advisory and Review Panels established under sec-  
8       tion 206A(f) of the National Sea Grant College Pro-  
9       gram Act.

10          (3) The Secretary shall provide public notice in  
11       the Federal Register and allow for a 90 day com-  
12       ment period before finalizing its model guidelines.

13          (4) The guidelines should include best manage-  
14       ment practices to minimize the potential for damage  
15       to the marine ecosystem from marine aquaculture  
16       facilities, including, but not limited to—

17                (A) conserving genetic resources, including  
18                methods to minimize genetic mixing of cultured  
19                stocks with natural marine stocks;

20                (B) preventing or minimizing ecological or  
21                economic harm to marine ecosystems by inten-  
22                tional or unintentional introductions of  
23                nonindigenous marine aquaculture species;

1 (C) maintaining applicable Federal and  
2 State water quality standards by marine aqua-  
3 culture facilities;

4 (D) minimizing “visual pollution” and  
5 other interference with public trust uses of the  
6 ocean from marine aquaculture facilities; and

7 (E) ensuring that any efforts to control  
8 predation on cultivated stocks are environ-  
9 mentally and ecologically sound.

10 (5) The Secretary shall also develop a program  
11 to promote voluntary compliance by the marine  
12 aquaculture industry with the guidelines.

13 (b) STATE AQUACULTURE MANAGEMENT.—Upon  
14 completion of environmental guidelines, the Secretary  
15 shall submit the environmental guidelines to State coastal  
16 zone management agencies, and other Federal and State  
17 agencies with a role in aquaculture, marine aquaculture  
18 or other coastal and marine resources. These State agen-  
19 cies shall review the environmental guidelines for marine  
20 aquaculture operations and consider incorporating them  
21 into State aquaculture programs or permitting processes  
22 where applicable.

23 **SEC. 8. ECONOMIC DEVELOPMENT.**

24 (a) COMPREHENSIVE REPORT.—The Secretary shall  
25 review all programs administered by the Department of

1 Commerce through the National Oceanic Atmospheric Ad-  
2 ministration, the National Institute of Standards and  
3 Technology, the Economic Development Administration,  
4 the Minority Business Development Administration, and  
5 the International Trade Administration that pertain to the  
6 seafood industry. Within two years after the date of enact-  
7 ment of this Act, the Secretary shall report to Congress  
8 how the Department of Commerce programs have been  
9 employed to stimulate the development of commercial ma-  
10 rine aquaculture facilities within the United States or the  
11 exclusive economic zone. The report shall include rec-  
12 ommendations for changes in any Federal law or adminis-  
13 trative procedure that, in the judgment of the Secretary,  
14 constitutes an unreasonable impediment to the growth of  
15 a commercially and environmentally sound marine aqua-  
16 culture facility.

17 (b) ECONOMIC ASSISTANCE.—The Secretary shall  
18 make the financial assistance programs of the Department  
19 of Commerce fully available to qualified applicants seeking  
20 to construct marine aquaculture facilities in a State coast-  
21 al zone or the United States exclusive economic zone. The  
22 programs shall include, but not be limited to, the Capital  
23 Construction Fund Program, the Fisheries Obligation  
24 Guarantee Program, the Saltonstall-Kennedy Grant Pro-  
25 gram, the Marine Fisheries Initiative Grant Program, and

1 the programs of the Economic Development Administra-  
2 tion. To the extent such projects are economically sound,  
3 the Secretary shall grant priority to applicants from those  
4 regions of the United States where marine fishery con-  
5 servation requirements have led to reduced employment in  
6 the commercial or recreational fishing industry.

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